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June 11, 2021

Via ECF & First Class Mail

Hon. William H. Pauley, III, U.S.D.J.
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: **725 Eatery Corp., etc. et ano. v. City of New York, et al.,**
Docket No. 02 CV 4431 (WHP) ("Action No. 1")

59 Murray Enterprises, Inc. etc., et ano. v. City of New York, et al.,
Docket No. 02 CV 4432 (WHP) ("Action No. 2")

Club at 60th Street, et al. v. City of New York
Docket No. 02 CV 8333 (WHP) ("Action No. 3")

336 LLC, etc, et al. v. City of New York
Docket No. 18 CV 3732 (WHP) ("Action No. 4")

Dear Judge Pauley:

We represent the plaintiffs in the above-referenced Action No. 2 and write on behalf of all plaintiffs' and defendants' counsel to jointly report on the status of these cases and request, on consent, re-scheduling of the Status Conference currently calendared for June 24, 2021, with a further joint status report to be filed in advance of the new Status Conference date in accordance with Your Honor's practice in such matters.

As Your Honor is aware, after many months of cooperative work between counsel for plaintiffs and for the City, an extensive, detailed Statement of Stipulated Facts was

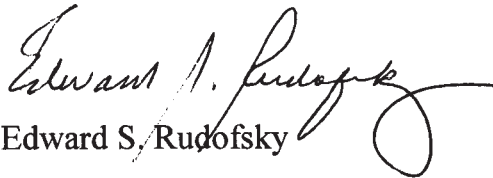
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filed in these actions on February 4, 2021. Subsequently, and to date, counsel have continued to work cooperatively with one another in (a) refining and clarifying certain of the Stipulated Facts, and (b) discussing which issues will require discovery, which has resulted in agreement on additional factual statements eliminating the need for discovery in those regards. At the present time, counsel are in the process of (x) reducing the additional stipulated facts to writing, in anticipation of submitting an Amended Statement of Stipulated Facts, and (y) further clarifying the City's position on issues raised by plaintiffs and what depositions or other discovery will be required in regard to the remaining issues.

While it would have been problematic, in light of the parties' ongoing discussions about further narrowing the scope of any remaining discovery, to resolve all of the open items in time to submit a meaningful Joint Status Report by June 15, 2021, and meet with the Court for a Status Conference on June 24th in accordance with the present scheduled fixed by the Court in its Order of February 26, 2021, the widely-reported cyber-attack on the Corporation Counsel's office, resulting in the shut-down of its computer system, has now made this extremely difficult. Hopefully, that unfortunate circumstance will be promptly resolved and counsel able to resume their work on the items outlined above. Accordingly, and in light of counsels' respective vacation schedules, counsel jointly request that the Conference be adjourned to a date convenient to the Court on or after September 13, 2021, other than September 15-16, 2021 (Yom Kippur), with the due date for the Joint Status Report re-scheduled accordingly.

As always, all counsel join in wishing the Court well and thank Your Honor in advance for your consideration.

Respectfully,


Edward S. Rudofsky

Cc: All Counsel (Via ECF)

SO ORDERED:

Application granted. The parties shall submit their joint status report by September 1, 2021. The telephonic status conference is adjourned to September 13, 2021 at 2:30 p.m. The dial-in number is (888) 363-4749 and the access code is 3070580.


WILLIAM H. PAULEY III
U.S.D.J.

Dated: June 14, 2021
New York, New York